

Appl. No. 09/902,047
Atty. Docket No. CM2394M
Amdt. dated 11/19/2003
Reply to Office Action of 6/23/03
Customer No. 27752

REMARKS

Claims 1-10, 13, 15, 18 and 19 are canceled. New Claims 20-23 have been added to the case. Claim 11 has been amended to recite the presence of not only water, but also an ion exchange resin, or chelant, or both, in the mixture. Basis is at page 6, lines 20-34. New Claims 20 and 21 relate to phosphonate chelants. Basis is at page 6, lines 22 and 23. Basis for new Claims 22 and 23 is at page 4, line 11-14, and page 5, line 22. It is submitted that these amendments add no new matter and entry is requested. Claims 11, 12, 14, 16, 17 and 20-23 are now in the case.

Formal Matters

For the record, there are no objections or rejections under §112.

Rejections Under 35 USC 103

All previous claims were rejected over WIPO 98/24874 in view of U.S. 4,264,365, for reasons of record at pages 2-7 of the Final Office Action.

Applicant respectfully traverses all rejections, to the extent they may apply to the claims now in the case.

At the outset, it is noted that Claim 11, and all claims depending therefrom, now require that the coating melt comprises a mixture of: the dicarboxylic acid; water; and an ion exchange resin, a chelant, or both. As noted at page 6, lines 32-33, Applicant believes that chelants can trap heavy metals which can catalyze degradation and discoloration reactions.

Attention is directed to the fact that all Examples in the case are directed to preferred, now-claimed embodiments which contain the chelant, the ion exchange resin, or both. (Pages 7-8.)

Attention is further directed to the comparative data presented in the Figures, which relate to the dicarboxylic acid/ion exchange resin, with-and-without the addition of water.

New Claims 22 and 23 do not require the presence of the ion exchange resin/chelant, but do require that the level of water be maintained at a specified level in the dicarboxylic acid melt throughout the coating process.

Turning to the specific grounds of rejection, it is submitted that the '365 patent neither teaches nor suggests the use of chelants/ion exchange resins in a dicarboxylic acid melt.

Moreover, in regard to New Claims 22 and 23, it is submitted that '365 does not teach that the water level be maintained at the specified level throughout the process. Indeed, it is

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submitted that the passage at Col. 5, l. 30-34, read in context with Col. 4, l. 25-32, does not fairly suggest maintaining the water at the desired level by adding water during the process.

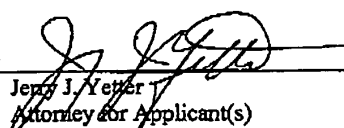
The WO 98 document does not fairly suggest the use of water in the dicarboxylic acid melt used as the coating. Moreover, while the cited passage (Page 17, l. 26) bespeaks the use of chelants, such materials are disclosed in the context of their being, "commonly used in detergent compositions," not in the coating compositions in the manner of the present invention.

As can be seen from the foregoing, WO 98 adds nothing to '395 with regard to the claims now pending in the case. In particular, nothing in the combination suggests the herein-disclosed use of the chelants/resins in the dicarboxylic acid melt, per se. Nor does the combination fairly suggest maintaining the water level in the manner of Claims 22 and 23. Accordingly, it is submitted that neither reference, taken singly or in combination, teaches or suggests the present claims, in the sense of §103. Withdrawal of all rejections on this basis is requested.

In light of the amendments and arguments herein and previously presented, early and favorable action is requested.

Respectfully submitted,
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